

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN DOE, et al.,

Plaintiffs,

v.

MOUNT VERNON CITY SCHOOL
DISTRICT BOARD OF EDUCATION, et al.,

Defendants.

Case No. 2:08 CV 575

Judge Frost

Magistrate Judge King

DECLARATION OF ZACHARY DENNIS

Zachary Dennis, pursuant to 28 U.S.C. § 1746, declares as follows:

1. My name is Zachary Dennis. I was an eighth grade student in John Freshwater's eighth period science class at Mount Vernon Middle School during the 2007-2008 school year. I am 15 years old and have personal knowledge of the events described in this declaration.

2. On December 6, 2007, Mr. Freshwater was using an electrostatic device, known as a Tesla coil, in a demonstration during my science class. He used the Tesla coil to apply electrical charges to tubes of gas, which turned different colors when charged.

3. Mr. Freshwater then applied the Tesla coil to his own arm. After that, he asked if any of us wanted to see what the charge from the Tesla coil felt like. I was one of the students who volunteered to have the Tesla coil applied to my arm.

4. Mr. Freshwater said that the Tesla coil would make a temporary tattoo in the shape of cross that would remain on our skin for a while. He made no further warnings to me or any other student volunteers.

5. I went up to the front of the room, Mr. Freshwater held my arm down, and applied the Tesla coil to my arm. He ran the Tesla coil up and down my arm twice, and then across my arm twice, forming the shape of a cross.

6. Before the end of science class, I could see red blotches and raised little dots forming on my arm in the same place where Mr. Freshwater had applied the device. The resulting mark looked like a cross.

7. The cross-shaped mark remained on my arm when I returned home from school. I showed the mark to my mother, Jenifer Dennis. The mark was painful, but not unbearably so.

8. Later that afternoon, my father, Stephen Dennis, drove me up to Cleveland for hockey practice. During practice, the mark caused a burning sensation on my arm. I complained to my father about the discomfort I was experiencing.

9. After I returned home from hockey practice, the mark was still burning and irritated, making it hard for me to sleep. My mother gave me a pain killer and put a cold washcloth on my arm. She and my father took pictures of the mark on my arm.

10. The pain from the cross-shaped mark on my arm went away over the next several days, and the mark disappeared after several weeks.

11. If I had known that the Tesla coil would have left a mark that caused burning, itching, and discomfort, I would not have volunteered to allow Mr. Freshwater to use the Tesla coil on my arm on December 6, 2007.

12. Mr. Freshwater taught religion during my class throughout the 2007-2008 school year. He had religious displays posted in his classroom, including three copies of the Ten Commandments hanging in the window next to the classroom door. He had another copy of the

Ten Commandments on the bulletin board in the classroom. These copies of the Ten Commandments were visible in the classroom from the start of the 2007-2008 school year until mid-April 2008.

13. Mr. Freshwater kept a collection of Bibles in his classroom until May 2008.

14. Before the incident with the Tesla coil, I enjoyed Mr. Freshwater's science class. I respected and admired him as a teacher.

15. I declare under penalty of perjury that the foregoing is true and correct.
Executed on November 16, 2009.

/s/Zachary Dennis_____
Zachary Dennis